



PUBLIC NOTICE

Federal Communications Commission
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DA 11-1059

June 15, 2011

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON PETITION FOR DECLARATORY RULING ASKING TO CLARIFY LANGUAGE IN ORDER GRANTING 700 MHZ PUBLIC SAFETY BROADBAND WAIVER TO THE STATE OF TEXAS

PS Docket No. 06-229

Comments Due: July 5, 2011

Reply Comments Due: July 15, 2011

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) seeks comment on a May 26, 2011, petition from the Harris Corporation (Harris) requesting that the Commission “clarify that it does not endorse any procurement model for building an interoperable public safety broadband network on a local, regional, state or nation-wide basis.”¹ In particular, the Harris Petition addresses a statement in the Bureau’s recent order granting a conditional waiver to the State of Texas for early deployment of a 700 MHz public safety broadband network² in which the Bureau expressed its expectation that constituent jurisdictions deploying 700 MHz public safety broadband networks pursuant to the state waiver would “work with [Texas] to minimize duplicative expenses and facilities where appropriate, in order to limit the need for multiple system identifiers or other impediments to interoperability.”³

Harris states that the foregoing statement “inadvertently implies a statewide mandate to build a network with the same vendor-specific technologies included in a local core network” and that “[s]uch an interpretation may result in a state or region believing it is compelled to apply the same procurement practices and sourcing model ... as that used by a local entity.”⁴ The Bureau’s statement in the *Texas Waiver Order*, Harris argues, “could be interpreted to mandate a single or sole source procurement model on a state, regional, or even national level.”⁵ Harris contends that “[t]his could severely limit interoperability by

¹ See Petition for Clarification filed by the Harris Corporation, PS Docket 06-229 (May 26, 2011) (Harris Petition). Harris’s petition, though styled as a “Petition for Clarification,” will be treated as a request for declaratory ruling filed under Section 1.2 of Commission rules. See 47 C.F.R. § 1.2.

² See Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks, PS Docket 06-229, *Order*, DA 11-863 (PSHSB 2011) (*Texas Waiver Order*).

³ *Id.* at 6 ¶ 16.

⁴ Harris Petition at 4.

⁵ *Id.*

precluding competition and chilling innovations that link all suppliers' technology together for nationwide interoperability."⁶

Harris requests that the Bureau "make clear that nothing in the [*Texas Waiver Order*] shall be interpreted as a requirement or recommendation that Harris County's public safety network sole sourcing practice serve as a model or requirement for any other public safety entity" and that the Bureau "does not endorse or require any procurement model in building an interoperable broadband public safety network."⁷ Harris also requests that the Bureau "reiterate its commitment to speeding deployment of an interoperable public safety broadband network through competition and open standards."⁸ The Bureau seeks comment on these requests.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁰ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.¹¹

Interested parties may file comments on or before July 5, 2011, and reply comments on or before July 15, 2011. All comments should reference PS Docket No. 06-229. Comments may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS), (2) through the Federal Government's eRulemaking Portal, or (3) by filing paper copies.¹²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties that choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See 47 C.F.R. §§ 1.1200, 1.1206.

¹⁰ See 47 C.F.R. § 1.1206(b).

¹¹ See *id.*

¹² See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Jennifer A. Manner, Deputy Chief, Public Safety and Homeland Security Bureau, at (202) 418-3619, or jennifer.manner@fcc.gov.

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